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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/674,853  | 09/29/2003  | Katayun Barnak       | YOR920030338US1     | 6319             |
| 29683   | 7590        | 01/05/2007           | EXAMINER            |                  |
| HARRINGTON & SMITH, LLP<br>4 RESEARCH DRIVE<br>SHELTON, CT 06484-6212 |             |                      | ART UNIT            | PAPER NUMBER     |

DATE MAILED: 01/05/2007

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|---------------------------------|-------------|---|---------------------|

10/674,853

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| EXAMINER |
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D. GRAYBILL

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| ART UNIT | PAPER |
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2822

20061223

DATE MAILED:

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Commissioner for Patents

David E Graybill  
Primary Examiner  
Art Unit: 2822

The following is a quotation of MPEP 706.07(h)VI(B):

Presentation of claims for different invention - Applicants cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (i.e., applicant cannot switch inventions). See 37 CFR 1.145. If an RCE is filed with an amendment canceling all claims drawn to the elected invention and presenting only claims drawn to a nonelected invention, the RCE should be treated as a proper RCE but the amendment should not be entered. The amendment is not fully responsive and applicant should be given a time period of one month or thirty days (whichever is longer) to submit a complete reply. See MPEP § 821.03. Form paragraphs 8.04 or 8.26 should be used as appropriate.

Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 10-13-6 and 9-18-6, respectively. The submission, however, is not fully responsive to the prior Office action because it presents claims for a different invention. In particular, it presents claims to the species excluding TiN and TaN which is independent and distinct from the species not excluding TiN and TaN previously claimed and examined. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

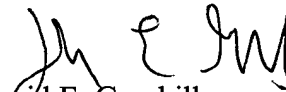
**For information on the status of this application applicant should check PAIR:**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Alternatively, applicant may contact the File Information Unit at (703) 308-2733. Telephone status inquiries should not be directed to the examiner. See MPEP 1730VIC, MPEP 203.08 and MPEP 102.**

Any other telephone inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Graybill at (571) 272-1930. Regular office hours: Monday through Friday, 8:30 a.m. to 6:00 p.m.  
The fax phone number for group 2800 is (571) 273-8300.

  
David E. Graybill  
Primary Examiner  
Art Unit 2822

D.G.  
23-Dec-06